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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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SUE BEITIA, CLERK

Attorneys for Plaintiff Aloha Sports Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ALOHA SPORTS INC., a Hawaii
corporation,

Plaintiff,

vs.

THE NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION, an
unincorporated association,

Defendant.

CIVIL NO. CV04-00204 DAE/KSC
(Antitrust)

PLAINTIFF ALOHA SPORTS INC.'S
NOTICE OF COMPLIANCE WITH
CONDITIONS PERMITTING IT TO
DISMISS ITS STATE LAW CLAIMS
WITHOUT PREJUDICE PURSUANT
TO THE "ORDER PROVISIONALLY
GRANTING PLAINTIFF'S MOTION
TO VOLUNTARILY DISMISS ITS
FIRST CAUSE OF ACTION WITH
PREJUDICE AND ITS REMAINING
CAUSES OF ACTION WITHOUT
PREJUDICE" ENTERED JULY 5, 2006;
EXHIBIT 1; CERTIFICATE OF
SERVICE

**PLAINTIFF ALOHA SPORTS INC.'S NOTICE OF COMPLIANCE
WITH CONDITIONS PERMITTING IT TO DISMISS
ITS STATE LAW CLAIMS WITHOUT PREJUDICE
PURSUANT TO THE "ORDER PROVISIONALLY GRANTING
PLAINTIFF'S MOTION TO VOLUNTARILY DISMISS ITS FIRST
CAUSE OF ACTION WITH PREJUDICE AND ITS REMAINING
CAUSES OF ACTION WITHOUT PREJUDICE" ENTERED JULY 5, 2006**

Plaintiff ALOHA SPORTS INC. ("ASI") respectfully notifies this Honorable Court and Defendant THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION ("NCAA") that ASI is in full compliance with the conditions set forth by this Honorable Court in its "Order Provisionally Granting Plaintiff's Motion To Voluntarily Dismiss Its First Cause Of Action With Prejudice And Its Remaining Causes Of Action Without Prejudice" entered July 5, 2006 herein (the "July 5, 2006 Order"), in that:

A. On this date, ASI has paid \$26,280.79 by means of a First Hawaiian Bank Official Bank Check payable to the NCAA (copy attached as Exhibit 1) and tendered to the NCAA's associate counsel herein, William C. McCorriston and Kenneth J. Mansfield, in reimbursement of 1) the "Costs and attorney's fees incurred by the NCAA in opposing ASI's motion to bifurcate or in the alternative to extend the discovery deadline;" and 2) the "Costs and attorney's fees incurred by the NCAA in opposing [Plaintiff Aloha Sports Inc.'s Motion to Voluntarily Dismiss Its First Cause of Action (Violation of Sherman Act Section 1) With Prejudice and Its Remaining Causes of Action Without Prejudice]" (July 5, 2006

Order at 14), which amount was determined by the “Findings and Recommendation Regarding Attorneys’ Fees and Costs” dated August 23, 2006, and adopted by the “Order Adopting Magistrate’s Findings and Recommendation” entered September 8, 2006 herein; and

B. ASI hereby stipulates that all discovery materials assembled to date can be used in any subsequent proceeding between the parties.

DATED: Honolulu, Hawaii; September 12, 2006.

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